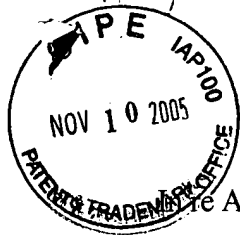


Application No. 09/498,677  
Petition to Revive dated November 7, 2005  
Reply to Telephone Call of Examiner Mondt on November 3, 2005

DAC

#9



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Re Application of

Docket No.: TI-29599

NOV 15 2005

Steinhoff et al.

Art Unit: 2826

OFFICE OF PETITIONS

Serial No.: 09/498,677

Examiner: Mondt, J.

Filed: 02/07/2000

Conf. No.: 9140

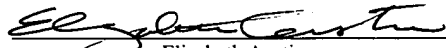
For: BI-DIRECTIONAL ESD PROTECTION CIRCUIT

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-14550

**MAILING CERTIFICATE UNDER 37 C.F.R. § 1.8(a)**

I hereby certify, that on this date, this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 on November 7, 2005.

  
Elizabeth Austin

Dear Sir:

Examiner Mondt contacted Applicants' attorney on November 3, 2005 and informed Applicants that he had no record of the USPTO ever receiving a response from Applicants to his Office communication of May 7, 2002. As such, the application was effectively abandoned. Applicants submit this Petition to Revive the application as set forth below.

**ARGUMENT**

Examiner Mondt's call to Applicants' attorney on November 3, 2005 was quite a surprise to Applicants who faxed in their reply (an Election under 35 USC § 121) to the Office communication

of May 7, 2002 on May 28, 2002. Applicants file record also shows that, in response to subsequent requests from the Examiner, Applicants re-faxed copies of the May 28, 2002 Election to the USPTO on October 10, 2002 and December 10, 2004. Nonetheless, Examiner Mondt stated that none of Applicants' faxes were ever entered into the record by the USPTO. Applicants respectfully submit that the Abandonment of the application by the USPTO is in error and should be withdrawn in view of the following Facts and Reasons Why the Abandonment is Improper:

**THE FACTS:**

- 1) Examiner issued an Office communication on August 17, 2002 in which an ELECTION/RESTRICTIONS requirement was set forth (ATTACHMENT-1).
- 2) Applicants filed a PRELIMINARY AMENDMENT with the USPTO via U.S. Postal Service as First Class Mail on August 28, 2001 (ATTACHMENT-2). In their PRELIMINARY AMENDMENT, Applicants elected the invention of Group I, claims 1-13, and canceled Group II claims 14-20 (without prejudice) and added new claims 21-45.
- 3) Examiner issued an Office communication on March 28, 2002 (ATTACHMENT-3) in which the Examiner stated "Not clear is whether this cancellation has been carried out in response to the restriction requirement filed in Paper No. 3" (page 2, lines 5-6). Applicants were quite surprised by this statement since in their PRELIMINARY AMENDMENT, Applicants specifically stated "In response to Examiner's restriction requirement of August 17, 2001, applicants hereby elect Group I claims 1-13. Group II claims 14-20 have been canceled" (page 6 lines 2-4) – which Applicants feel clearly set forth that the cancellation was in response to the restriction requirement filed in Paper

No. 3. The Examiner then went on to issue another ELECTION/RESTRICTIONS requirement directed to species of the claimed invention: first embodiment (Figs. 1A-C); second embodiment (Figs. 2A-B); and third embodiment (Fig. 3)(page 2, line 10 – page 3, line 8).

- 4) Applicants filed a response entitled ELECTION UNDER 35 USC § 121 with the USPTO via facsimile transmission to USPTO telephone number 703-306-0531 on April 25, 2001 (ATTACHMENT-4). In their ELECTION UNDER 35 USC § 121, Applicants traversed the Examiner's species election requirement and argued that Claims 1, 21 and 34 were generic according to the definition in MPEP 8604(d). Applicants argued that since the Examiner had offered no rationale for his arbitrary selection of species. Applicants could not understand what they were expected to select. Applicants requested further clarification from the Examiner (page 3, lines 9-20).
- 5) Examiner issued an Office communication on May 25, 2002 (ATTACHMENT-5) in which the Examiner stated "The reply filed on 4-25-2 is not fully responsive to the prior Office Action because of the following omissions(s) or matter(s): Applicant has deliberately failed to elect a single discloses species for prosecution on the merits and provide a listing of all claims readable thereon. Therefore this response is not a bona fide attempt to advance the application to final action (see MPEP 714.03)".
- 6) Applicants' representative at the time, Robert Rountree, called Examiner Mondt and his SPE Nathan J. Flynn on May 1, 2002, in an attempt to resolve the restriction issue (ATTACHMENT-6). Apparently agreement was not reached.

- 7) Applicants filed a response entitled ELECTION UNDER 35 USC § 121 with the USPTO via facsimile transmission to USPTO telephone number 703-308-7722 on May 28, 2002 (ATTACHMENT-7). In their ELECTION UNDER 35 USC § 121, Applicants traversed the Examiner's election requirement of March 28, 2002. Applicants further provisionally elected the species of Figures 2A-2B with traverse (page 2, lines 7-8).
- 8) Applicants re-faxed (on October 10, 2002 to Examiner Mondt at 703-746-5176) their response entitled ELECTION UNDER 35 USC § 121 which was filed with the USPTO via facsimile transmission to USPTO telephone number 703-308-7722 on May 28, 2002. A copy of the cover sheet showing USPTO receipt of the re-fax is included (ATTACHMENT-8).
- 9) Applicants once again re-faxed (on December 10, 2004 to Examiner Mondt at 571-272-1919) their response entitled ELECTION UNDER 35 USC § 121 which was filed with the USPTO via facsimile transmission to USPTO telephone number 703-308-7722 on May 28, 2002. A copy of the cover sheet showing USPTO receipt of the re-fax is included (ATTACHMENT-9).
- 10) Presumably, the USPTO lost or misplaced the above-identified ELECTION UNDER 35 USC § 121 and each copy which was subsequently re-faxed to the USPTO.

**REASONS WHY THE ABANDONMENT IS IMPROPER AND SHOULD BE  
WITHDRAWN:**

Paragraphs 7-9 above clearly show that Applicants filed a timely response to the Examiner's ELECTION/RESTRICTION requirement of March 28, 2002. It is further clear that the USPTO has lost and/or misplaced three copies of Applicants' response of May 28, 2002.

For the above reasons, Applicants request that the Abandonment of the application be vacated and/or withdrawn. Applicant further requests that the application be assigned for examination in a timely manner.

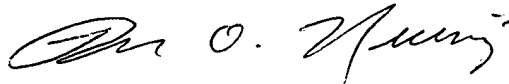
Pursuant to the requirements of 37 C.F.R. § 1.137(1), Applicants submit herewith the reply required – ELECTION UNDER 35 USC § 121 (ATTACHMENT-7) which was filed with the USPTO via facsimile transmission to USPTO telephone number 703-308-7722 on May 28, 2002, re-faxed on October 10, 2002 and re-faxed again on December 10, 2004.

Being that the USPTO lost Applicants' ELECTION UNDER 35 USC § 121 (ATTACHMENT-7) which was filed with the USPTO via facsimile transmission to USPTO telephone number 703-308-7722 on May 28, 2002, no additional Extension of Time or Petition fee should be required. Nevertheless, if the USPTO determines that a fee is required, please charge the fee to Deposit Account No. 20-0668.

Application No. 09/498,677  
Petition to Revive dated November 7, 2005  
Reply to Telephone Call of Examiner Mondt on November 3, 2005

Pursuant to the requirements of 37 C.F.R. § 1.137(b)(3), Applicants state that the entire delay associated with the USPTO receiving Applicants' ELECTION UNDER 35 USC § 121 (ATTACHMENT-7) which was filed with the USPTO via facsimile transmission to USPTO telephone number 703-308-7722 on May 28, 2002, was unintentional.

Respectfully submitted,



Ronald O. Neerings  
Reg. No. 34,227  
Attorney for Applicants

TEXAS INSTRUMENTS INCORPORATED  
P.O. BOX 655474, M/S 3999  
Dallas, Texas 75265  
972/917-5299



**UNITED STATES DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/498,677 02/07/00 STEINHOFF

R TI-29599

023494 MMC2/0817  
TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, N/S 3999  
DALLAS TX 75265

EXAMINER
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ART UNIT	PAPER NUMBER
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2626  
DATE MAILED:

08/17/01

*ELECTION 9/17/01*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED  
NOV 15 2005  
OFFICE OF PETITIONS

ATTACHMENT 1

RECEIVED  
AUG 21 2001  
BEN KROGER

# Office Action Summary

Application No.

09/498,677

Applicant(s)

STEINHOFF ET AL.

Examiner

Johannes P Mondt

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_.

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NOV 15 2005  
OFFICE OF PETITIONS



## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35

U.S.C. 121:

- I. Claims 1-13, drawn to a protection circuit in a field effect device with insulated gate electrode, classified in class 257, subclass 288.
- II. Claim 14-20, drawn to the making of a protection circuit in a field effect device with insulated gate electrode, classified in class 438, subclass 197.

2. The inventions are distinct, each from the other because of the following reasons.

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, unpatentability of the group II invention would not necessarily imply unpatentability of the group I invention, because the device of the group I invention could be made by a process materially different from that of the group II invention. For example, the process described in claim 14 can be materially altered, by forming a first device having a current path connected to a transistor and arranged to

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inhibit conduction of the current path in it in response to a maximum positive voltage; followed by forming a second device having a current path and a control terminal between an external terminal and a reference terminal, the external terminal coupled to receive a maximum positive voltage with respect to the reference terminal and a minimum negative voltage with respect to the reference terminal during normal circuit operation to serve as the aforementioned transistor.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P Mondt whose telephone number is (703) 306-0531. The examiner can normally be reached on 8:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Application/Control Number: 09/498,677  
Art Unit: 2826

Page 4

JM  
August 16, 2001



Nathan Flynn  
Primary Examiner



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Dear United States Patent and Trademark Office Customer:

Quality and Customer Satisfaction are important to Technology Center 2800.

Technology Center 2800 has taken continuous quality improvement steps and efforts to ensure that the accompanying correspondence meets high quality standards, and focuses on good customer service. It is important to us that you are satisfied with the services we provide.

If the contents of the attached correspondence have any clerical omissions, e.g., missing references or pages, illegible text, or any other clerical errors, please contact us at the number below as soon as possible. We will take appropriate action to expedite the necessary corrections. Also, if you have general questions concerning any application assigned to Technology Center 2800, including status inquiries, please contact our Customer Service Center. Of course, questions concerning the merits of the application must be directed to the Examiner in charge of the particular application, then to the supervisor if appropriate.

**TC 2800 Customer Service Center**  
**Crystal Plaza 4-6<sup>th</sup> floor, D-corridor**

**Customer Service Representative are:**

**Linda M. Hodge-Taylor CP-4-6-D32**  
**Wynette Stapor CP-4-6-D30**  
**Theodore Phillips CP-4-6-D30**

We are open to receive request for service in person, by phone 703/306-3329, or Fax 703/306-5515, from 8:30 am-5:00 p.m. each business day.

If the communication you have received has any technical or legal issues that raise concerns as to the quality and/or clarity of the Office action itself, we invite you to contact the appropriate Supervisory Primary Examiner or one of our Quality Assurance Specialists.

**Quality Assurance Specialists:**

**Paul Dzierzynski 703/308-4822**  
**Don Hajec 703/308-4075**

**Attention: Policy on Returning Telephone Calls**

A USPTO-wide customer service standards states that if a USPTO employee being called is not available they will return your calls by the next business day, or, if you request, an alternate point of contact will be provided. Technology Center 2800 is committed to meeting this service standard. If you have called any employee in our Technology Center and have not received a return phone call within one (1) business day or have not been provided another point of contact, please contact our Customer Service Center at 703/306-3329. We ensure that you will receive a return phone call, from an employee with the ability to assist you, within four (4) business hours of this contact.


Any matter not satisfactorily resolved by the listed resources should be brought to the attention of the appropriate Director listed below.

**We appreciate your assistance in helping us help you.**

**Directors, Technology Center 2800**  
**Semi-conductors, Electrical, Optical Systems & Components**

<i>Rolf G. Wille</i>	<i>703/306-3431</i>	<i>2810/2820</i>
<i>Stewart J. Levy</i>	<i>703/308-0658</i>	<i>2830/2840</i>
<i>Howard N. Goldberg</i>	<i>703/306-3431</i>	<i>2850/2860</i>
<i>Janice A. Falcone</i>	<i>703/308-0530</i>	<i>2870/2880</i>

In The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<input type="checkbox"/> NEW APPLICATION <input type="checkbox"/> DECLARATION - <input type="checkbox"/> ASSIGNMENT w/cover sheet <input type="checkbox"/> FORMAL DRAWINGS ( sheets enclosed ) <input type="checkbox"/> INFORMAL DRAWINGS ( sheets ) <input type="checkbox"/> CONTINUATION APPLICATION <input type="checkbox"/> DIVISIONAL APPLICATION		<input checked="" type="checkbox"/> PRELIMINARY AMEND. / ELECTION <input type="checkbox"/> EOT <u>month(s)</u> <input type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> APPEAL <input type="checkbox"/> ISSUE FEE <input type="checkbox"/> REPLY BRIEF ( IN TRIPLICATE ) <input checked="" type="checkbox"/> AMNDT TRANSMITTAL FEE SHEET
NAME OF INVENTOR(S): <b>Steinhoff, et al.</b>		RECEIPT DATE & SERIAL NO.: <b>09/498,677</b>
TITLE OF INVENTION: <b>Bi-Directional ESD Protection Circuit</b>		CONFIRMATION NO.: <b>9140</b>
TI FILE NO.: <b>TI-29599</b>	DEPOSIT ACCT. NO.: <b>20-0668</b>	
EXPRESS MAIL RECEIPT NO.:		
MAILED DATE: <b>August 28, 2001</b> DATE DUE: <b>September 17, 2001</b> ATTY/SECY: <b>Robert Rountree / E. Austin</b>		

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UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,677	02/07/2000	Robert Steinhoff	TI-29599	9140

23494 7590 03/28/2002

TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

EXAMINER

MONDT, JOHANNES P

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 03/28/2002

ELUTION 4/28/02

Please find below and/or attached an Office communication concerning this application or proceeding.

ATTACHMENT 3

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APR 05 2002

BEN KROGER

# Office Action Summary

Application No.

09/498,677

Applicant(s)

STEINHOFF ET AL.

Examiner

Johannes P Mondt

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/17/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 21-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-13 and 21-45 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment A filed 8/30/01 has been considered prior to this action. In said Amendment claims 14-20 have been canceled. Not clear is whether this cancellation has been carried out in response to the restriction requirement filed in Paper No. 3. However, further claims 21-45 have been entered. The outstanding claims have been considered prior to this Office Action. As a direct result of the newly added claims, pertaining to the second and third embodiments, an election of species is required from Applicant, as set forth below.

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention: first embodiment (Figs. 1A-C); second embodiment (Figs. 2A-B); and third embodiment (Fig. 3).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims seem to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.



Art Unit: 2826

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

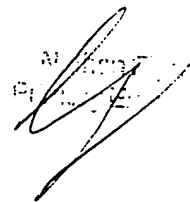
4. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 FR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P. Mondt, whose telephone number is (703) 306-0531. The examiner can normally be reached on Monday-Friday 8:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

March 26, 2002  
JPM





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Dear United States Patent and Trademark Office Customer:

Quality and customer satisfaction are important to Technology Center 2800

Technology Center 2800 has taken continuous quality improvement efforts to ensure that the accompanying correspondence meets high quality standards, and focuses on good customer service. It is important to us that you are satisfied with the services we provide.

If the communication you have received has any issues that raise concerns as to the quality and/or clarity of the action taken by the examiner, we invite you to contact the appropriate Supervisory Primary Examiner. You may also contact one of our Quality Assurance Specialists.

**Quality Assurance Specialists:**

Don Hajec.....703-308-4075

Paul Dzierzynski.....703-308-4822

If the contents of the attached correspondence have any clerical omissions, e.g., missing references or pages, illegible text, or any other similar errors, please contact us at the number below. We will take appropriate action to expedite the necessary corrections. Also, if you have general questions concerning any application assigned to Technology Center 2800, please contact our Customer Service Center. Questions concerning the merits of the application must be directed to the Examiner in charge of the particular application, then to the supervisor if appropriate.

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Wynette Stapor      CP4-8-D30

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Any matter not satisfactorily resolved by the listed resources should be brought to the attention of the appropriate Director listed below. We appreciate your assistance in helping us help you.

**Directors, Technology Center 2800**

**Semi-conductors, Electrical, Optical Systems & Components**

Sharon Gibson	703/308-0658	2810
Rolf G. Hille	703/306-0658	2820
Richard Seidel	703/306-3431	2830/40
Howard N. Goldberg	703/306-3431	2850/60
Janice A. Falcone	709/308-0530	2870/80

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07	04/25 14:18	817033087722	EC--S	01'07"	005	092	OK

Texas Instruments Incorporated

 **TEXAS  
INSTRUMENTS**

Post Office Box 655474, MS 3959  
Dallas, Texas 75265  
7839 Churchill Way  
Dallas, Texas 75251

## FAX COVER SHEET

DATE: 4/25/02

Page 1 of 5

FROM: ROBERT ROUNTREE	TO: J. MONDT
COMPANY NAME: Texas Instruments Incorporated	COMPANY NAME: USPTO
PHONE NUMBER: (972) 917-4431	PHONE NUMBER: 703-306-0531
FAX NUMBER: (972) 917-4418	FAX NUMBER: 703-308-7722

## MESSAGE

RE: 09/498,677

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Steinhoff et al.**

Serial No.: **09/498,677**

Filed: **February 7, 2000**

For: **BI-DIRECTIONAL ESD PROTECTION CIRCUIT**

Docket: **TI-29599**

Examiner: **Mondt, J.**

Art Unit: **2826**

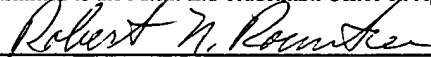
Conf. No.: **9140**

**ELECTION UNDER 35 USC § 121**

April 25, 2002

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

I hereby certify that the above correspondence is being facsimile  
transmitted to the Patent and Trademark Office on April 25, 2002.

  
Robert N. Rountree

Dear Sir:

Reconsideration is requested in response to Examiner's restriction requirement of March 28, 2002. Therein, Examiner seems to arbitrarily select three groups of figures (1A-1C, 2A-2B, 3) and states they are patentably distinct species of the claimed invention. Examiner offers no rationale for this arbitrary distinction and further states that no claims seem to be generic. Applicants hereby traverse Examiner's arbitrary restriction and offer the following to show that each of independent claims 1, 21, and 34 is generic.

Referring to Figures 1A, 2A, and 3, respectively, independent claim 1 recites:

A structure, comprising:

an external terminal (100, 100, 100);

a reference terminal (102, 102, 102);

a first transistor (106,106,300) formed on a substrate (108,108,108), the first transistor having a current path coupled between the external terminal and the reference terminal;

a second transistor (118,118,118) having a current path coupled between the external terminal and the substrate; and

a third transistor (120,120,120) having a current path coupled between the substrate and the reference terminal.

Referring again to Figures 1A, 2A, and 3, respectively, independent claim 21 recites:

A circuit, comprising:

a first terminal (100,100,100);

a second terminal (102,102,102);

a third terminal (108,108,108);

a device (106,106,300) having a current path coupled between the first and second terminals;

a first transistor (118,118,118) having a current path coupled between the first terminal and the third terminal and having a control terminal coupled to the second terminal; and

a second transistor (120,120,120) having a current path coupled between the second terminal and the third terminal and having a control terminal coupled to the first terminal.

Finally, referring to Figures 1A, 2A, and 3, respectively, independent claim 34 recites:

A circuit, comprising:

a first terminal (100,100,100);

a second terminal (102,102,102);

a third terminal (108,108,108);

a first device (106,106,300) having a current path coupled between the first and second terminals;

a second device (118,118,118) having a current path coupled between the first terminal and the third terminal, the second device current path not conducting in response to a positive voltage at the first terminal with respect to the second terminal and conducting in response to the positive voltage at the second terminal with respect to the first terminal; and

a third device (120,120,120) having a current path coupled between the second terminal and the third terminal, the third device current path conducting in response to the positive voltage at the first terminal with respect to the second terminal and not conducting in response to the positive voltage at the second terminal with respect to the first terminal.

In view of the foregoing, applicants respectfully submit that independent claims 1, 21, and 34 are generic according to the definition in MPEP 806.04(d). Since Examiner has offered no rationale for his arbitrary selection of species, applicants cannot even understand what they are expected to select. How can applicants select a species for prosecution when no separate species exist?

Applicants previously stated in their response of August 28, 2002, that they "have read Examiner's rationale for this restriction requirement several times and have no idea what Examiner is talking about and would appreciate further explanation." Applicants hereby reiterate this request for clarification. If Examiner sincerely believes there is a valid basis for the instant restriction, please provide some rational explanation. Alternatively, if Examiner is only trying to generate additional Office Actions and revenue for the PTO, please advise applicants that no rational explanation will be forthcoming.

In view of the foregoing, applicants respectfully request reconsideration and withdrawal of the restriction of March 28, 2002.

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert N. Rountree".

Robert N. Rountree  
Reg. No. 39,347  
Attorney for Applicants

Texas Instruments Incorporated  
P. O. Box 655474, M/S 3999  
Dallas, Texas 75265  
(972) 917-4431  
Fax: (972) 917-4418

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16	05/28	16:43	817033087722	EC-S	00'49"	003	116	OK

To: **Technology Center**  
Facsimile Number: (703) 308-7722

Total Pages Sent: 03

From: **Robert N. Rountree**  
**Texas Instruments Incorporated**  
Facsimile: 972-917-4417  
Phone: 972-917-4431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Steinhoff et al.**

Docket Number: TI-29599

Serial No.: 09/498,677

Art Unit: 2826

Filed: 02/07/2000


Examiner: Mondt, J.

For: **Bi-Directional ESD Protection Circuit**

Conf. No.: 9140

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile to the U.S. Patent and Trademark Office at (703) 308-7722 on the date shown below:

  
Elizabeth Austin

May 28, 2002  
Date

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<input checked="" type="checkbox"/> <b>FACSIMILE COVER SHEET</b>	<input type="checkbox"/> <b>AMENDMENT</b> (# Pages)
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<input type="checkbox"/> <b>DECLARATION</b> (# Pages)	<input type="checkbox"/> <b>NOTICE OF APPEAL</b> (# Pages)
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<input type="checkbox"/> <b>INFORMAL DRAWINGS</b>	<input type="checkbox"/> <b>REPLY BRIEF (IN TRIPLICATE)</b> (# Pages)
<input type="checkbox"/> <b>CONTINUATION APP'N</b> (# Pages)	<input checked="" type="checkbox"/> <b>ELECTION UNDER 35 USC § 121</b>
<input type="checkbox"/> <b>DIVISIONAL APP'N</b>	
<b>NAME OF INVENTOR(S):</b> <b>Steinhoff, Et al.</b>	<b>RECEIPT DATE &amp; SERIAL NO.:</b> 09/498,677
<b>TITLE OF INVENTION:</b> <b>Bi-Directional ESD Protection Circuit</b>	<b>FILING DATE:</b> 02/07/2000
<b>TI FILE NO.:</b> TI-29599 <b>DEPOSIT ACCT. NO.:</b> 20-0668	
<b>DATE FAXED:</b> May 28, 2002	
<b>DUE:</b> May 28, 2002	
<b>ATTY/SECY:</b> Robert Rountree / E. Austin	

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PO Box 655474, M/S 3999  
Dallas, TX 75265





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www.uspto.gov

RNR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,677	02/07/2000	Robert Steinhoff	TI-29599	9140

23494 7590 08/20/2002

TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

EXAMINER

MONDT, JOHANNES P

ART UNIT PAPER NUMBER

2826

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

/

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AUG 28 2002  
BIN 820877

## Interview Summary

**Application No.**

09/498,677

**Applicant(s)**

STEINHOFF ET AL.

**Examiner**

Nathan J. Flynn

**Art Unit**

2826

All participants (applicant, applicant's representative, PTO personnel):

(1) Nathan J. Flynn.(3) Jan Mondt.(2) Robert Roundtree.

(4) \_\_\_\_\_.

Date of Interview: 01 May 2802.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1, 21 and 34.

Identification of prior art discussed: none.

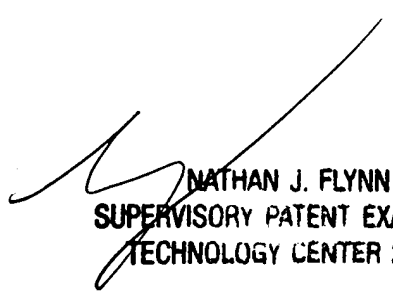
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
NATHAN J. FLYNN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative argued that the election of species requirement is improper because the the differences between the figures is minor. He also argued that the examiner did not state reasons why the figures are species. SPE Flynn informed applicant's representative that the election requirement appeared to be completely proper and suggested that he petition the matter. SPE Flynn stated that if Applicant's representative admitted on the record that the figure were obvious in view of one another the election requirement would be withdrawn. .



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**Quality Assurance Specialists:**

**Don Hajec.....703-308-4075**

**Paul Dzierzynski.....703-308-4822**

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**Directors, Technology Center 2800**

**Semi-conductors, Electrical, Optical Systems & Components**

Sharon Gibson	703/308-0658	2810
Rolf G. Hille	703/306-0658	2820
Richard Seidel	703/306-3431	2830/40
Howard N. Goldberg	703/306-3431	2850/60
Janice A. Falcone	709/308-0530	2870/80

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972 917 4417- \*\*\*\*\*



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Page 1 of 4

DATE: 10/10/2002

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COMPANY NAME: TEXAS INSTRUMENTS INCORPORATED	COMPANY NAME: USPTO
PHONE NUMBER: (972) 917 4431	PHONE NUMBER: 703 306 0531
FAX NUMBER: (972) 917-4418 or 917-4417	FAX NUMBER: 703-746-5176

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Regards,  
Elizabeth

Fax sent by: \_\_\_\_\_

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FILE NO.=443

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-FPCD6134

\*\*\*\*\* -972 917 4417 - \*\*\*\*\* 972 917 4417- \*\*\*\*\*



## FAX COVER SHEET

Page 1 of 6

DATE: 12/10/04

<b>FROM:</b> Wade James Brady <b>COMPANY NAME:</b> TEXAS INSTRUMENTS INCORPORATED <b>PHONE NUMBER:</b> (972) 917-4371 <b>FAX NUMBER:</b> (972) 917-4418	<b>TO:</b> Johannes Mondt <b>COMPANY NAME:</b> USPTO <b>PHONE NUMBER:</b> 571 272-1919 <b>FAX NUMBER:</b> 571 273-1919
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### MESSAGE

Fax sent by \_\_\_\_\_

Texas Instruments Incorporated - Post Office Box 655474 - Dallas, Texas 75265  
 7839 Churchill Way - Dallas, TX 75251 PHONE # (972) 917-5357 - FAX # (972) 917-4418